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Department of Energy

ROCKY FLATS OFFICE
P O BOX 928
GOLDEN COLORADO 80402-0928

94-DOE-02960

MAR 11 1994

Mr Robert Duprey
Hazardous Waste Management Division
U S Environmental Protection Agency
Region VIII
999 18th Street
Suite 500
Denver, CO 80202-2466

Mrs Joan Sowinski
Program Manager
Hazardous Waste Control Program
Colorado Department of Health
4300 Cherry Creek Dr South
Denver CO 80222-1530

Dear Mr Duprey and Mrs. Sowinski

The Department of Energy/Rocky Flats Office (DOE/RFO) is submitting this letter as a summary of the proposals made at the Dispute Resolution Committee meeting held March 3, 1994, to attempt to come to agreement on the issues of dispute

DOE believes that the parties agree, in concept, with the DOE proposal to include the east landfill pond in the IM/IRA planned for Operable Unit 7 (OU-7) within the next three to six months, and to expedite the schedule for the landfill leachate collection and treatment system. Further, DOE believes there is conceptual agreement on tankage for spill containment, a commitment previously made by DOE in the National Pollutant Discharge Elimination System (NPDES) Federal Facility Compliance Agreement. Since there is seemingly consensus on the technical objectives that should be accomplished to alleviate concerns with the east landfill leachate and spill containment, the issue that remains is what is the appropriate mechanism to change the IAG statement of work through increase scope of additional work.

Discussions with EPA further clarified EPA's impression that the work and schedule change mechanism presently prescribed in the IAG has not been utilized. EPA opined that the change mechanism in the IAG should accommodate DOE's concerns with work scopes or schedules. DOE requests, therefore, that the expedited schedule for the east landfill pond leachate remediation be incorporated into the IAG as a modification to work for OU 7, pursuant to Part 32, paragraph 191. Additionally, DOE does not share EPA's views regarding constraints on enforcement of DOE's compliance agreements. In the spirit of cooperation and good faith, DOE will commit to a milestone in the IAG to install tankage and have a mobile treatment system available to treat and dispose water routed to this facility. DOE requests, therefore, that the additional work to install the aforementioned tankage be incorporated into the IAG as a modification to work for OU-6, pursuant to Part 32, paragraph 191 of the IAG.

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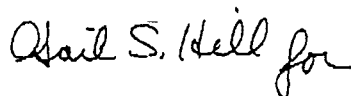
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If closure can be reached on the change mechanism for work and schedules under the IAG, then the parties will have resolved the issues in dispute, and no further elevation of this matter is warranted. DOE seeks timely response to the modification requests in effort to achieve resolution of the dispute at the DRC level. DOE believes this approach is responsive to the concerns of EPA and CDH, and, is consistent with the procedures set forth in the IAG without adversely affecting the rights of the parties.

If you have any questions regarding this matter please contact me at 966-2273

Sincerely,



Shirley J Olinger
Assistant Manager
for Environment, Safety and Health

cc
M Dodson, EPA
M Hestmark, EPA
G Baughman, CDH
M Silverman, RFO
D Lindsay, OCC, RFO
M Roy, OCC, RFO
J Roberson, AMER, RFO
F Lockhart, ER, RFO
R Schassburger, ER, RFO
J Hartman, AMSS, RFO
G Hull, EGD, RFO